

正本

經濟部智慧財產局專利再審查案核駁理由先行通知書

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發文文號：(九二)智專三(一)05026字  
第〇九二二〇七七三六〇〇號

主旨：第〇九一一〇四八二五號專利再審查案經審查後發現尚有如說明三所述不明確之處，台端(貴公司)若有具體反證資料或說明，請於文到次日起六十日內提出申復說明及有關反證資料一式二份。若屆期未依通知內容辦理者，專利專責機關得依現有資料續行審查，請查照。

說明：

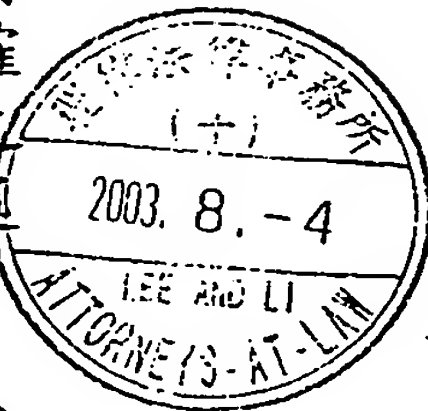
一、本案如有修正應依專利法第四十四條之一、專利法施行細則第二十八條及本局九十一年十一月八日智法字第〇九一八六〇〇一一八—〇號公告之規定辦理並繳修正規費新台幣一千元正(如有補充、修正說明書或圖式者，應備具補充、修正申請書一式二份，並檢送補充、修正部份劃線之說明書或圖式修正頁一式二份及補充、修正後無劃線之說明書或圖式替換頁一式三份；如補充、修正後致原說明書或圖式頁數不連續者，應檢附補充、修正後之全份說明書或圖式一式三份至局)。

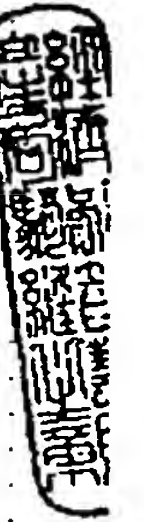
二、若希望來局當面示範或說明，請於申復說明書內註明「申請面詢」，本局認為有必要時，另安排地點、時間舉辦「面詢」，並繳交規費新台幣二千元正。

三、本案經審查認為：

(一) 本案為利用HGF基因表現HGF蛋白做有效成分之醫藥組合物，為自85113780號專利申請案分割，符合分割要件，未質更實質內容，其日本優先權日為八十五年二月二十日，合先敘明。

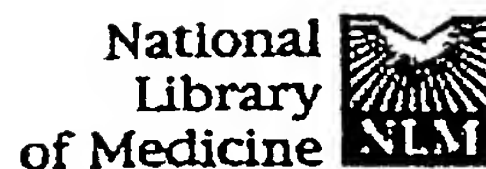
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- (二) 申請專利範圍第一項為利用HGF基因表現HGF蛋白做為治療動脈疾病之醫藥組合物，經查母案相關檢索資料、面詢記錄及本案檢索附件資料，本案所揭示之技術特點已於1992至1995年間多篇論文證明HGF蛋白可做為治療動脈疾病之用的可行性，並於BRC215(2)：483-488，一九九五年之論文揭示內生型HGF基因表現情形，及其與動脈疾病之治療之可行性。而本案所請利用HGF基因表現HGF蛋白之醫藥組合物，除過於籠統廣泛超出實施例支持外，為運用申請前既有知識或技術，而為該項技術可輕易完成者，故難謂具進步性。
- (三) 綜上，本案依專利法第二十條第二項之規定，不合發明專利要件。

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1: J Cell Biol 1992 Nov;119(3):629-41

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Hepatocyte growth factor is a potent angiogenic factor which stimulates endothelial cell motility and growth.

Bussolino F, Di Renzo MF, Ziche M, Bocchietto E, Olivero M, Naldini L, Gaudino G, Tamagnone L, Coffe A, Comoglio PM.

Department of Genetics, Biology and Medical Chemistry, University of Torino.

Hepatocyte Growth Factor (HGF, also known as Scatter Factor) is a powerful mitogen or motility factor in different cells, acting through the tyrosine kinase receptor encoded by the MET protooncogene. Endothelial cells express the MET gene and expose at the cell surface the mature protein (p190MET) made of a 50 kD (alpha) subunit disulfide linked to a 145-kD (beta) subunit. HGF binding to endothelial cells identifies two sites with different affinities. The higher affinity binding site ( $K_d = 0.35 \text{ nM}$ ) corresponds to the p190MET receptor. Sub-nanomolar concentrations of HGF, but not of a recombinant inactive precursor, stimulate the receptor kinase activity, cell proliferation and motility. HGF induces repairs of a wound in endothelial cell monolayer. HGF stimulates the scatter of endothelial cells grown on three-dimensional collagen gels, inducing an elongated phenotype. In the rabbit cornea, highly purified HGF promotes neovascularization at sub-nanomolar concentrations. HGF lacks activities related to hemostasis-thrombosis, inflammation and endothelial cells accessory functions. These data show that HGF is an in vivo potent angiogenic factor and in vitro induces endothelial cells to proliferate and migrate.

PMID: 1383237 [PubMed - indexed for MEDLINE]

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